

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

ROBERT L DYKES, #204541,)
Plaintiff,)
) No. 2:17-cv-209
-v-)
) Honorable Paul L. Maloney
THOMAS FINCO, et al.,)
Defendants.)
)

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING
MOTION FOR PRELIMINARY INJUNCTION**

Plaintiff Robert Dykes is a prisoner under the control of the Michigan Department of Corrections (MDOC). His lawsuit alleges violations of his constitutional rights arising from Defendants' alleged failure in 2016 to provide Dykes with access to meals during Ramadan that comply with his religious beliefs.

Plaintiff requested a preliminary injunction, which would require Defendants to provide him with a complying meal during Ramadan in 2018. (ECF No. 6.) The magistrate judge issued a report recommending the motion be denied as moot. (ECF No. 11.) Plaintiff filed objections. (ECF No. 12.)

After being served with a report and recommendation (R&R) issued by a magistrate judge, a party has fourteen days to file written objections to the proposed findings and recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). A district court judge reviews de novo the portions of the R&R to which objections have been filed. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). Only those objections that are specific are entitled to a

de novo review under the statute. *Mira v. Marshall*, 806 F.2d 636, 637 (6th Cir. 1986) (per curiam).

Plaintiff raises three objections. The Court has reviewed de novo the issues identified in the objections. First, whether Plaintiff has demonstrated a likelihood of success on the merits for his 2016 claim does not ultimately weigh in favor of granting the injunction for Ramadan in 2018. Second, Plaintiff has not demonstrated that his request is ripe. Defendants did not appear in the lawsuit until Ramadan was nearly over or already concluded. And, Plaintiff did not request an injunction for all future Ramadan meals. Finally, the magistrate judge did not recommend Plaintiff's claim be dismissed as moot because Defendants were employed at Plaintiff's current facility.

For these reasons, Plaintiff's objections are overruled. The R&R (ECF No. 11) is **ADOPTED** as the Opinion of this Court. Plaintiff's motion for a preliminary injunction (ECF No. 6) is **DENIED. IT IS SO ORDERED.**

Date: August 2, 2018

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge